

# HOUSE . . . . . No. 4056

[LOCAL APPROVAL RECEIVED.]

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Charles Murphy**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to a new public safety facility lease in the town of Burlington.

PETITION OF:

NAME:

Charles Murphy

DISTRICT/ADDRESS:

21st Middlesex

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT RELATIVE TO A NEW PUBLIC SAFETY FACILITY LEASE IN THE TOWN OF BURLINGTON.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** Notwithstanding of any general or special law to the contrary, the town of Burlington may enter into a lease of land for a new public safety facility. Said lease may be a ground lease of the land only, or the lease may provide for the financing, design and construction of a new public safety facility by a party or the parties, or a combination thereof. The construction of a new public safety facility under a lease awarded pursuant to this section shall not be subject to the competitive bid requirements set forth in sections 38A½ to 38O, inclusive, of chapter 7, section 39M of chapter 30 or sections 44A to 44M, inclusive, of chapter 149 of the General Laws, but each such lease shall be awarded pursuant to section 16 of chapter 30B of the General Laws. The town is hereby authorized to borrow for the construction of a new public safety facility pursuant to section 7 of chapter 44 of the General Laws on land that is subject to said lease pursuant to this act; provided said lease has a term of at least 20 years.

**SECTION 2.** The request for proposals for such lease shall specify the method for comparing proposals to determine the proposal offering the lowest overall cost to the town including, but not limited to, all capital financing. If the town awards a contract to an offeror who did not submit the proposal offering the lowest overall cost, the town shall explain the reason for the award in writing. Prior to the award of a lease that includes the construction of a public safety facility under section 1, the town shall conduct an independent evaluation for the purpose of comparing the overall cost of the lease, including the private financing of construction, to the cost of procuring the new public safety facility pursuant to the applicable General Laws.

**SECTION 3.** Notwithstanding of any general or special law to the contrary, the lease awarded pursuant to section 1 may provide for a term not exceeding 50 years, and may include an option or a right of first refusal for the town to acquire the land and the new public safety facility at the termination of the lease. Any option or a right of first refusal shall be at the sole discretion of the town of Burlington in accordance with the original terms and conditions set forth in the request for proposals or terms and conditions more favorable to and acceptable to the town. A lease entered into pursuant to this act may provide that the

town shall not be exempt from liability for payment over the term of the lease of the costs to finance, design and construct the public safety facility.

**SECTION 4.** Subject to this act, any lease awarded hereunder shall be subject to such additional terms and conditions as the town administrator and the board of selectmen of the town shall determine to be in the best interests of the town and shall be authorized by a majority vote of the board of selectmen, and a majority vote of town meeting.

**SECTION 5.** All contracts for the construction of the public safety facility may be awarded by the selected offeror only to persons or entities whose bids or proposals are subject to such persons or entities being signatory to a project labor agreement with the appropriate labor organizations which shall include an obligation for such labor organizations and its constituent members not to strike with respect to the work on such construction project and which shall also establish uniform work rules and schedules for the project. Such project agreement shall be entered into in order to facilitate the timely and efficient completion of the construction of the public safety facility and to make available a ready and adequate supply of highly trained, skilled craft workers who shall provide a negotiated commitment to assure labor stability and labor peace over the life of this project. The applicable entity responsible for any construction of the public safety facility shall designate a general contractor, project administrator or similar construction firm which is familiar in the negotiation and administration of project labor agreements to manage and oversee the construction of the project, including the development and implementation of labor relations policies for the project, and to instruct such general contractor, project administrator or other construction firm to negotiate a mutually agreeable project labor agreement covering the above described work, unless the town determines that the selected offeror responsible for constructing the public safety facility has sufficient experience and qualifications, in which case the selected offeror may discharge the duties respecting the project labor agreement.

**SECTION 6.** This act shall take effect upon its passage.